

REMARKS/ARGUMENTS

This is a response to the Office Action mailed April 8, 2004. Claims 1–18 are presently pending in this application. Claims 1, 10, 13, and 17 (all independent claims) are being amended by this response.

In the Office Action, the Examiner objected to claims 5 and 18 based upon matters of formality. The claims have been amended accordingly.

The Examiner also rejected claims 1-18 (all claims) under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of Adair. In making this rejection, the Examiner stated that Kennedy shows an apparatus comprising “a voice recognition peripheral device.” However, even if the pocket and/or the interface module of Kennedy can be considered to be a voice recognition peripheral device, independent claims 1, 10, 13, and 17 have been amended to recite “a hand held voice recognition device”.

The supposed voice recognition peripheral device of the Kennedy reference is not hand held. Rather, it is clearly attached to a vehicle as indicated by the title of the patent (HANDS-FREE WIRELESS COMMUNICATIONS IN A VEHICLE) and as discussed throughout the patent. For example, the specification of the Kennedy reference states that the “interface module 106 also serves to mechanically interconnect the pocket 104, and in turn the telephone 102, to the vehicle, as the interface module 106 is generally rigidly affixed to the vehicle.”

It is important to appreciate that the specification of the subject patent application emphasizes the hand held nature of the present invention. For example, regarding the PDA, the specification recites:

As used herein, the term "PDA" refers to an electronic device that (a) is sufficiently small to allow hand-held operation (i.e., has a largest dimension no longer than 8 inches), and (b) uses a touch screen for data input.

And more to the point, regarding the voice recognition peripheral device, the specification further recites:

As also used herein, the term "VRPD" refers to an electronic device that executes a program (or employs hardware) that translates voice into digital electronically readable data (*i.e.*, digital data elements), wherein the VRPD is sufficiently small to allow hand-held operation (*i.e.*, largest dimension no longer than 10 inches).

Thus, it is clear that use of the present invention in a portable or hand held environment is an important aspect thereof.

Of course, portable operation offers many advantages over fixed location operation. Indeed, voice controlled operation of a PDA and/or voice recognition offers substantial advantages that have long been desired and that were previously considered to be unobtainable due to the processing power required. The present invention has made these advantages possible.

In view of the two paragraphs quoted from the specification above, it is respectfully submitted that no new matter is being added by this amendment.

Further, in this rejection the Examiner recognized that Kennedy fails to disclose the use of a PDA. In an attempt to cure this deficiency of the Kennedy reference to teach the present invention, the Examiner combined the Kennedy reference with Adair.

Regarding the Adair reference, the Examiner stated that "Adair et al. shows that wireless communication devices and PDA's can be interchanged and used together Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to interchange these devices because they are commonly used together."

However, Applicant respectfully submits that wireless communication devices and PDA's cannot simply be exchanged and that it is therefore not obvious to one of ordinary skill in the art at the time of the invention to interchange these devices.

Indeed, Adair does show that wireless communication devices and PDA's can be used together. However, the fact that they can be used together in no way means that they are interchangeable. Many devices can be used together and are not interchangeable.

Moreover, Applicant believes that the mere fact that devices can be used together tends to indicate that they are not interchangeable. If they can be used together, it is likely that they were designed to be used together and such design was likely motivated by the fact that they don't do the same thing and thus both devices are required to accomplish a desired result.

Examples of devices that are used together include televisions and remote controls therefor, stereos and speakers, and knives and forks. No one is likely to argue that any of these pairs of devices are interchangeable.

A wireless communication device and a PDA are two different devices. Each device performs different functions. One cannot simply be swapped for another.

Therefore, it is respectfully submitted that the combination of Kennedy and Adair does not make the present invention obvious, particularly as the claims are presently amended.

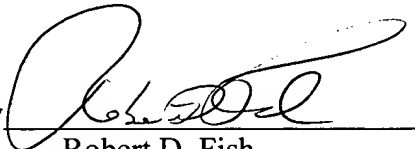
Moreover, it is respectfully submitted that none of the cited references, taken either alone or in combination with one another, either disclose or make obvious "a hand held voice recognition peripheral device," as recited in amended independent claims 1, 10, 13, and 17.

In view of the foregoing, it is respectfully submitted that all of the claims of the subject patent application are in condition for immediate allowance. Reconsideration and an early allowance is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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